

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT CHATTANOOGA

UNITED STATES OF AMERICA )  
vs. ) NDAL No. \_\_\_\_\_  
MARY ANN KIRBY-HUNT ) EDTN Mag. No. 1-09-MJ-250  
                        ) JUDGE CARTER

MEMORANDUM AND ORDER

The defendant appeared for a hearing before the undersigned on June 10, 2009, in accordance with Rule 5 of the Federal Rules of Criminal Procedure for an initial appearance of the defendant on the Indictment and Warrant for Arrest out of the Northern District of Alabama at Birmingham. Those present for the hearing included:

- (1) AUSA Scott Winne for the USA.
- (2) The defendant, MARY ANN KIRBY-HUNT.
- (3) Attorney Lee Ortwein (retained) made a limited appearance for defendant.
- (4) Courtroom Deputy Kelli Jones.
- (5) Court Reporter Elizabeth Coffey.

After being sworn in due form of law, the defendant was informed or reminded of her privilege against self-incrimination accorded her under the 5th Amendment to the United States Constitution.

It was ascertained defendant had been provided with a copy of the Indictment and Warrant for Arrest, and had the opportunity of reviewing those documents with Atty. Ortwein. It was determined defendant was capable of being able to read and understand the copy of the aforesaid documents she had been provided.

AUSA Winne moved defendant be detained without bail pending a hearing in the Northern District of Alabama.

Findings

- (1) The defendant waived her Rule 5 identity hearing. The defendant asks to have an identity hearing in the Northern District of Alabama at Birmingham.

Conclusions

\_\_\_\_\_ It is ORDERED:

- (1) Defendant shall be DETAINED WITHOUT BAIL pending her transfer to the Northern District of Alabama.
- (2) The U.S. Marshal shall transport defendant to the Northern District of Alabama at Birmingham for a hearing before on a date to be determined once defendant is in said district.

ENTER.

Dated: June 12, 2009

*/s/William B. Mitchell Carter*  
UNITED STATES MAGISTRATE JUDGE